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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER LUK, LAWRENCE W	
			ART UNIT 2187	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

09/868,565

Applicant(s)

KAWAKITA, KOZO

Examiner

Lawrence W. Luk

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13,15-28 and 36-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 and 44-59 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,9-13,15,16,18,20-28,37-43,60,62 and 64-66 is/are rejected.
- 7) ☒ Claim(s) 6,8,17,19,61 and 63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 12, 13, 23, 26 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Takenaka et al. (6,064,167).

Claims 1 and 12

As to claims 1 and 12, Takenaka et al. disclose in figure 1, 6, a robot apparatus charging system, comprising: a robot apparatus (R)on which a charging battery (15) is mounted, and a charging device for charging said charging battery mounted on said robot apparatus, wherein said robot apparatus includes charging indicating means **(recognizing a remaining capacity of the battery, see column 2, lines 23-31)** for performing a predetermined movement of at least one selected body part of the robot apparatus from a first position to a second position to indicate an amount of charging in said charging battery on charging said charging battery in said charging device. **(see column 3, lines 9-21 and column 4, 17-37).**

Claims 2 and 13

As to claims 2 and 13, Takenaka et al. disclose in figure 6, said at least one selected body part of said robot apparatus has a movable portion and said predetermined movement is a movement to move said movable portion. **(see column 2, lines 23-31).**

Claims 23 and 26

As to claims 23 and 26, Takenaka et al. disclose in figure 1, charging indicating means **(remaining capacity recognizing means for recognizing a remaining capacity of the battery)** of said robot apparatus, on charging said charging battery, to perform a predetermined movement of e at least one selected body part of the robot apparatus from a first position to a second position to indicate an amount of charging of said charging battery while the said robot apparatus is in the charging device. **(see column 2, lines 23-31, lines 55-59, column 4, lines 18-38).**

Claim 41

As to claim 41, Takenaka et al. disclose in figure 1, a robot apparatus charging method for charging a charging battery **(15)** mounted on a robot apparatus **(R)**, characterized by causing said robot apparatus, on charging said charging battery in a charging device, to perform a predetermined movement of at least one selected body part of the robot apparatus from a first position to a second position in accordance with an amount of charging of said charging battery **(see column 3, lines 9-21 and column 4, 17-37)**, wherein said robot apparatus caused to perform a predetermined movement

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at completion of charging of said charging battery in said charging device. **(see column 2, lines 23-31).**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 38 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Boykin, II et al. (4,304,194).

Claim 38

As to claim 38, Boykin,II et al. disclose in figure 2, 4 and 7, a robot apparatus charging system , comprising: a robot apparatus (**10**) on which a charging battery (**120**) is mounted, and a charging device for charging said charging battery (**120**) mounted on said robot apparatus (**10**), characterized in that said robot apparatus performs a predetermined movement in accordance with an amount of charging in said charging battery on charging said charging battery using said charging device; and wherein said predetermined movement is a movement to change a pose of said robot apparatus from a first pose during charging to a second pose to notify of completion of charging by moving said movable portion at completion of charging of said charging battery. **(see column 5, lines 36-55).**

Claim 39

As to claim 39, Boykin, II et al. disclose in figure 2, 4 and 7, a robot apparatus characterized by performing, on charging a charging battery mounted thereon, a predetermined movement in accordance with an amount of charging of said charging battery, wherein said predetermined movement is a movement to change a pose of said robot apparatus from a first pose during charging to a second pose to notify of completion of charging by moving said movable portion at completion of charging of said charging battery. (see column 5, line 56 to column 6, line 14).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 9, 15, 16, 20, 24, 25, 27, 28, 60 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka et al. (6,064,167) in view of Piercey (5,557,188).

Claims 4, 15, 24, 25, 27 and 28

As to claims 4, 15, 24, 25, 27 and 28, Takenaka et al. disclose the elements as claimed except Takenaka et al. fails to teach said predetermined movement is a movement to notify of completion of charging said charging battery.

Piercey disclose said predetermined movement is a movement to notify completion of charging of said charging battery. **(see column 8, lines 46-56).**

Takenaka et al. and Piercey are analogous art because they are from same field of endeavor of charging and discharging of the battery.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include said predetermined movement is a movement to notify completion of charging of said charging battery.

The suggestion/motivation for doing so would have been to provide an improved accuracy charge/discharge monitoring and control mechanism, which will more accurately reflect the state of charge of a battery. **(see column 2, lines 11-15 of Piercey).**

Therefore, it would have been obvious to combine Piercey with Takenaka et al. for said predetermined movement is a movement to notify of completion of charging said charging battery to obtain the invention as specified in claims 4, 15, 24, 25, 27 and 28.

Claims 5 and 16

As to claims 5 and 16, Takenaka et al. in view of Piercey are applied supra, and Takenaka et al. further disclose in figure 6, said predetermined movement is a continuous movement. **(see figure 6, continuous walking).**

Claims 9 and 20

As to claims 9 and 20, Takenaka et al. in view of Piercey are applied supra, and Takenaka et al. further disclose in figure 6, said robot apparatus has legs, and said

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predetermined movement is a movement to raise said legs (**see column (see column 1, lines 35-45 and column 2, lines 31-40).**

Claim 60

As to claim 60, Takenaka et al. disclose in figure 1, 6, a robot apparatus charging method for charging a charging battery (**15**) mounted on a robot apparatus (**R**), characterized by causing charging indicating means (**recognizing a remaining capacity of the battery, see column 2, lines 23-31**) of said robot apparatus, on charging said charging battery in a charging device, to perform a predetermined movement of at least one selected body part of said robot apparatus to indicate an amount of charging of said charging battery while said robot apparatus is in a charging device, (**see column 3, lines 9-21 and column 4, 17-37**) said robot apparatus is caused to perform a predetermined movement at completion of charging said charging battery, (**see column 2, lines 23-31**), except Takenaka et al. fails to teach said predetermined movement is a movement to notify of completion of charging of said charging battery.

Piercey disclose said predetermined movement is a movement to notify of completion of charging of said charging battery. (**see column 8, lines 46-56**).

Takenaka et al. and Piercey are analogous art because they are from same field of endeavor of charging and discharging of the battery.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include said predetermined movement is a movement to notify completion of charging said charging battery.

The suggestion/motivation for doing so would have been to provide an improved accuracy charge/discharge monitoring and control mechanism, which will more accurately reflect the state of charge of a battery. **(see column 2, lines 11-15 of Piercey).**

Therefore, it would have been obvious to combine Piercey with Takenaka et al. for said predetermined movement is a movement to notify completion of charging said charging battery to obtain the invention as specified in claim 60.

Claim 64

As to claim 64, Takenaka et al. in view of Piercey are applied supra, and Takenaka et al. further disclose in figure 6, said robot apparatus has legs, and said predetermined movement is a movement to raise said legs **(see column (see column 1, lines 35-45 and column 2, lines 31-40).**

7. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka et al. (6,064,167) in view of Piercey (5,557,188) as applied to claims 4 and 15 above, and further in view of Fujita (5,929,585).

Claims 7 and 18

As to claims 7 and 18, Takenaka et al. and Piercey disclose the elements as claimed except Takenaka et al. and Piercey fails to teach the limitation of **said robot**

apparatus has forelegs and hind legs, and said predetermined movement is a movement to lift said forelegs.

Fujita disclose in figure 8, said robot apparatus has forelegs and hind legs, and said predetermined movement is a movement to lift said forelegs. **(see column 7, lines 5-10).**

Takenaka et al., Piercey and Fujita are analogous art because they are from same field of endeavor of the robot and its automatically walking system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include said robot apparatus has forelegs and hind legs, and said predetermined movement is a movement to lift said forelegs.

The suggestion/motivation for doing so would have been to provides a walk robot, a type is considered which has an arm not used for walking and works by moving the arm. A human type robot or a bird type robot walks with a two leg mechanism and it is assumed that the robot works by an arm mechanism provided separately from the leg mechanism. **(see column 1, lines 29-32 of Fujita).**

Therefore, it would have been obvious to combine Fujita with Takenaka et al. and Piercey for said robot apparatus has forelegs and hind legs, and said predetermined movement is a movement to lift said forelegs to obtain the invention as specified in claims 7 and 18.

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8. Claims 10, 11, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka et al. (6,064,167) in view of Piercey (5,557,188) as applied to claims 4 and 15 above, and further in view of Boykin, II et al. (4,304,194).

Claims 10, 11, 21 and 22

As to claims 10, 11, 21 and 22, Takenaka et al. and Piercey disclose the elements as claimed except Takenaka et al. and Piercey fails to teach the limitation of **said robot apparatus has a speaker.**

Boykin, II et al. disclose in figure 7, said robot apparatus has a speaker. (**see column 4, lines 11-13**).

Takenaka et al., Piercey and Boykin, II et al. are analogous art because they are from same field of endeavor of the robot and its automatically walking system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include said robot apparatus has a speaker.

The suggestion/motivation for doing so would have been to provides an automated system adapted to be installed a speaker with an animal feeding sound. (**see column 1, lines 6-9 of Boykin, II et al.**).

Therefore, it would have been obvious to combine Boykin, II et al. with Takenaka et al. and Piercey for said robot apparatus having a speaker to obtain the invention as specified in claims 10, 11, 21 and 22.

9. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka et al. (6,064,167) in view of Colens (5,787,545).

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Claim 37

As to claim 37, Takenaka et al. disclose the elements as claimed except Takenaka et al. fails to teach the limitation of **a recording medium on which is recorded a program for charging.**

Colens disclose in figure 1, said recharging process via the induction coil unit the measurement of the level of charge sent to the microprocessor indicates enough charging. **(see column 3, lines 41-43).**

Takenaka et al. and Colens are analogous art because they are from same field of endeavor of the robot and its automatically walking system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include a recording medium on which is recorded a program for charging.

The suggestion/motivation for doing so would have been to provide the robot with an advantageously a programmable unit, initiating or interrupting the operation according to time-tables or other parameters. **(see column 1, lines 12-15 of Colens).**

Therefore, it would have been obvious to combine Colens with Takenaka et al. for said robot apparatus has recorded a program for charging to obtain the invention as specified in claim 37.

10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka et al. (6,064,167) in view of Tsujino (5,180,961).

Claim 40

As to claim 40, Takenaka et al. disclose in figure 1, a charging device for charging a charging battery mounted on a robot apparatus, characterized by causing said robot apparatus, on charging said charging battery **(15)**, to perform a predetermined movement in accordance with an amount of charging said charging battery, wherein said predetermined movement is a movement of at least one selected body part of the robot apparatus from a first position to a second position **(see column 3, lines 9-21 and column 4, lines 17-37)**, except Takenaka et al. fails to teach the limitation of to **notify completion of charging said charging battery while said robot apparatus is in said charging device.**

Tsujino disclose to notify of completion of charging of said charging battery **(see column 3, lines 47-56).**

Takenaka et al. and Tsujino are analogous art because they are from same field of endeavor of charging and discharging the battery..

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include to notify completion of charging of said charging battery.

The suggestion/motivation for doing so would have been to provide a battery charging apparatus capable of reliably detecting a full charge with no malfunction even if a terminal voltage of a battery being charged temporarily varies. **(see column 1, lines 55-59 of Tsujino).**

Therefore, it would have been obvious to combine Tsujino with Takenaka et al. for to notify of completion charging said charging battery to obtain the invention as specified in claim 40.

11. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boykin, II et al. (4,304,194) in view of Yamada (JP 03-032271A).

Claims 42 and 43

As to claims 42 and 43, Boykin, II et al. disclose the elements as claimed except Boykin, II al. fails to teach the limitation of **said robot apparatus has a speaker, and said predetermined movement is a movement to make a sound through said speaker.**

Yamada disclose the charge of the battery (1) are read from the sound storing circuit (7) and notified from a speaker (10) by sounds. **(see constitution of Yamada).**

Boykin, II et al. and Yamada are analogous art because they are from same field of endeavor of charging and discharging the battery.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the apparatus has a speaker, and said predetermined movement is a movement to make a sound through said speaker.

Therefore, it would have been obvious to combine Yamada with Boykin, II et al. for the apparatus has a speaker, and said predetermined movement is a movement to make a sound through said speaker to obtain the invention as specified in claims 42 and 43.

12. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka et al. (6,064,167) in view of Piercey (5,557,188) as applied to claim 60 above, and further in view of Fujita (5,929,585).

Claim 62

As to claim 62, Takenaka et al. and Piercey disclose the elements as claimed except Takenaka et al. and Piercey fails to teach the limitation of **said robot apparatus has forelegs and hind legs, and said predetermined movement is a movement to lift said forelegs.**

Fujita disclose in figure 8, said robot apparatus has forelegs and hind legs, and said predetermined movement is a movement to lift said forelegs. **(see column 7, lines 5-10).**

Takenaka et al., Piercey and Fujita are analogous art because they are from same field of endeavor of the robot and its automatically walking system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include said robot apparatus has forelegs and hind legs, and said predetermined movement is a movement to lift said forelegs.

The suggestion/motivation for doing so would have been to provide a walking robot, a type considered which has an arm not used for walking and works by moving the arm. A human type robot or a bird type robot walks with a two leg mechanism and it is assumed that the robot works by an arm mechanism provided separately from the leg mechanism. **(see column 1, lines 29-32 of Fujita).**

Therefore, it would have been obvious to combine Fujita with Takenaka et al. and Piercey for said robot apparatus has forelegs and hind legs, and said predetermined movement is a movement to lift said forelegs to obtain the invention as specified in claim 62.

13. Claims 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takenaka et al. (6,064,167) in view of Piercey (5,557,188) as applied to claim 60 above, and further in view of Boykin, II et al. (4,304,194).

Claims 65 and 66

As to claims 65 and 66, Takenaka et al. and Piercey disclose the elements as claimed except Takenaka et al. and Piercey fails to teach the limitation of **said robot apparatus has a speaker**.

Boykin, II et al. disclose in figure 7, said robot apparatus has a speaker. (**see column 4, lines 11-13**).

Takenaka et al., Piercey and Boykin, II et al. are analogous art because they are from the same field of endeavor of the robot and its automatically walking system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include said robot apparatus has a speaker.

The suggestion/motivation for doing so would have been to provides an automated system adapted to be installed a speaker with an animal feeding sound. (**see column 1, lines 6-9 of Boykin, II et al.**).

Therefore, it would have been obvious to combine Boykin, II et al. with Takenaka et al. and Piercey for said robot apparatus has a speaker to obtain the invention as specified in claims 65 and 66.

Allowable Subject Matter

14. **Claims 36, 44-59** are allowed.

Claim 36

The primary reason for allowance of the Claim 36 is the inclusion of **a robot apparatus, comprising: movement generating means for generating a movement; detection means for detecting that a predetermined area is rocked; and control means for controlling said movement generating means, characterized in that when it is recognized that said predetermined area is rocked on the basis of a detection result of said detection means in a state in which generation of said movement is stopped, said control means controls said movement generating means to start generation of said movement wherein said predetermined area is a body portion of the robot apparatus.**

Claims 44 and 51

The primary reason for allowance of the Claims 44 and 51 is the inclusion of **wherein said predetermined movement is a movement to change a pose of said robot apparatus from a first pose during charging to a second pose to notify of completion of charging by moving said movable portion at completion of charging of said charging battery.**

Claims 45-50 depend from claim 44 and therefore are allowable for at least the same reasons noted above with respect to claim 44.

Claims 52-59 depend from claim 51 and therefore are allowable for at least the same reasons noted above with respect to claim 51.

15. Claims 6, 8, 17, 19, 61, 63 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reasons for allowance of **Claims 6, 17, 61** in the instant application is the combination with the inclusion in these claims that **said robot apparatus has a head, and said predetermined movement is a movement to raise said head.**

The primary reasons for allowance of **Claims 8, 19, 63** in the instant application is the combination with the inclusion in these claims that **said robot apparatus has a head, and said predetermined movement is a movement to wag said tail.**

: IMPORTANT NOTE :

If the applicant should choose to rewrite the independent claims to include the limitation recited in claims 6, 8, 17, 19, 61, 63, the applicant is encouraged to amend the **title of the invention** such that it is descriptive of the invention as claimed as required by sec. 606.01 of the MPEP. Furthermore, the **Summary of the Invention** and the **Abstract** should be amended to bring them into harmony with the allowed claims as required by paragraph 2 of § 1302.01 of the MPEP.

As allowable subject matter has been indicated, applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with. See **37 C. F. R. § 1.111(b)** and **§ 707.07 (a)** of the **M.P.E.P.**

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W Luk whose telephone number is (571) 272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding are (703) 746-7239, (571) 272-2100 for regular communication and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to receptionist whose telephone number is (571) 272-2100.

LWL
September 21, 2005

Lawrence Luk
examiner
9/21/05